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IN THE MATTER OF:                :
                                   :
Spo-dee-o-dee, LLC               :
t/a The Showtime                 : Protest
113 Rhode Island Ave., NW       : Hearing
Retailer CT - ANC-5E            : (Status)
License No. 89186                :
Case #14-PRO-00095              :
                                   :
(Substantial Change -            :
Sidewalk Cafe With 6 Seats)     :

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The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 9:59 a.m.

3 CHAIRPERSON MILLER: Okay. That
4 brings us to Case No. 14-PRO-00095, The Showtime
5 located at 113 Rhode Island Avenue, N.W., License
6 No. 89186, in ANC-5E. It's also a Protest
7 (Status) Hearing.

8 Is anyone here for that case?

9 MR. VIVARI: Showtime?

10 CHAIRPERSON MILLER: Yes, you are?

11 MR. VIVARI: Showtime?

12 CHAIRPERSON MILLER: Showtime. That's
13 you all? Okay. Good.

14 MEMBER RODRIGUEZ: Okay.

15 CHAIRPERSON MILLER: I don't like
16 dismissing cases for failure to appear. All
17 right. So would you identify yourselves for the
18 record?

19 MR. VIVARI: Paul Vivari from
20 Showtime.

21 CHAIRPERSON MILLER: Okay.

22 DR. COLLINS: Dr. Paul Collins, owner.

1 CHAIRPERSON MILLER: Okay. Great. Is
2 there anything you want to tell us about the
3 status of your protest? Otherwise, I'm going to
4 give you a date and give you some instructions to
5 keep in mind in preparing for the hearing.

6 MR. VIVARI: Okay.

7 DR. COLLINS: We met with the mediator
8 two weeks ago, but unable to reach an agreement,
9 so, at that time, we decided to continue with the
10 next hearing.

11 CHAIRPERSON MILLER: Okay. So as of
12 now, you think you are headed for a hearing?

13 DR. COLLINS: Yeah, that's --

14 CHAIRPERSON MILLER: Okay. All right.
15 Is there anything else you want to add, at this
16 point? You don't have to. I'm just checking.

17 MR. VIVARI: We were not able to reach
18 an agreement last -- at the last time and so we
19 are here today.

20 CHAIRPERSON MILLER: Okay. That's
21 just fine.

22 MR. VIVARI: Yes.

1 CHAIRPERSON MILLER: That's just fine.
2 And we don't get into your settlement discussions
3 or anything like that.

4 Okay. So you have scheduled a Protest
5 Hearing for March 11, 2015 at 1:30 p.m. And what
6 the Board is going to hear at a Protest Hearing
7 is related to the appropriateness of the
8 establishment, related to peace, order and quiet.

9 And what we want you to do is identify
10 seven days before the date of the hearing, ahead
11 of that time you should receive in the mail what
12 is called a Protest Information Form and an
13 Exhibit Form. And on the Protest Information
14 Form, you are to, among other things, identify
15 your witnesses and your issues and your exhibits.

16 And witnesses have to be identified by
17 name, not just by category, like not a neighbor,
18 but actually the name of the person.

19 Exhibits, also, the specific exhibits
20 will need to be attached to your Exhibit Form.
21 So if you are going to submit photographs or
22 whatever, attach it to the Exhibit Form and

1 everything is identified.

2 And you need to serve the Protest
3 Information Form and the Exhibit Form on each
4 other, on opposing parties and on the Board. And
5 the purpose of that is to focus the issues for
6 the hearings, so everybody knows exactly what the
7 issues have come to be about.

8 So if all that is left in your protest
9 -- I have no idea what your protest is about,
10 okay? So for example, if your protest really
11 only involves noise, then we will know that and
12 that will be the focus of the hearing as opposed
13 to peace, order and quiet in a general way.

14 If we don't receive a copy of your
15 Protest Information Form, your application or
16 your protest could be dismissed. So pay
17 attention to the seven day deadline, don't miss
18 that. And same with exhibits, if possible, we
19 might not include or accept an exhibit into the
20 record if it hasn't been identified ahead of
21 time, because everybody should be on notice and
22 be able to prepare to address, you know, whatever

1 exhibits are submitted.

2 Okay. So that's basically what I
3 wanted to tell you. If you have questions ahead
4 of time, you can contact our General Counsel, Ms.
5 Martha Jenkins or Sarah Fashbaugh or Janea
6 Raines. And the telephone number is 442-6492.

7 If you have a question right now, I
8 can take it, but otherwise, they will be very
9 happy to help you if there is any, you know,
10 questions.

11 MR. VIVARI: What was the telephone
12 number again?

13 CHAIRPERSON MILLER: 442-6492.

14 MR. VIVARI: 6493?

15 CHAIRPERSON MILLER: 2.

16 MR. VIVARI: 2.

17 CHAIRPERSON MILLER: I think that's
18 Janea Raines. So remember Janea Raines and
19 Martha Jenkins. If you don't get the right, you
20 know, answer at that number, just ask for those
21 individuals. Okay? Anything else?

22 MR. VIVARI: That's it.

1 CHAIRPERSON MILLER: All right. Then
2 that concludes this Status Hearing. Thank you.

3 DR. COLLINS: Thank you.

4 (Whereupon, the Protest (Status)
5 Hearing in the above-entitled matter was
6 concluded at 10:04 a.m.)
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